

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MATTHEW R. HULSTINE,</b>	:	<b>CIVIL ACTION NO. 1:15-CV-774</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>CAROLYN W. COLVIN, Acting</b>	:	
<b>Commissioner of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 15th day of September, 2016, upon consideration of the report (Doc. 19) of Magistrate Judge Gerald B. Cohn, recommending that the court vacate the decision of the administrative law judge denying the application of plaintiff Matthew R. Hulstine (“Hulstine”) for a period of disability and disability insurance benefits, and remand the above-captioned matter for further proceedings and development of the record, wherein Judge Cohn opines that the administrative law judge’s decision is not “supported by substantial evidence,” 42 U.S.C. § 405(g), and finds specifically that the administrative law judge erred in omitting a treating source medical opinion, (see Doc. 19 at 21-24), and in discounting three treating source medical opinions in favor of two non-treating source medical opinions, (see id. at 25-47), and it appearing that neither Hulstine nor the Commissioner of Social Security (“Commissioner”) object to the report, see FED. R. CIV. P. 72(b)(2), and that the Commissioner expressly waived the opportunity to do so, (see Doc. 20), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488

F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Cohn’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 19) of Magistrate Judge Cohn is ADOPTED.
2. The Clerk of Court shall enter judgment in favor of plaintiff Matthew R. Hulstine (“Hulstine”) and against the Commissioner as set forth in the following paragraph.
3. The Commissioner’s decision denying Hulstine’s application for a period of disability and disability insurance benefits is VACATED. This matter is REMANDED to the Commissioner with instructions to conduct a new administrative hearing, develop the record fully, and evaluate the evidence appropriately in accordance with this order and the report (Doc. 19) of Magistrate Judge Cohn.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania